

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ZAZIIS S. L. DINKINS,

Plaintiff,

-against-

ALEJANDRO MAYORKAS, Secretary,  
Department of Homeland Security,

Defendant.

23-CV- 10660(RFT)

**ORDER**

**ROBYN F. TARNOFSKY, United States Magistrate Judge:**

Plaintiff filed her Complaint in the United States District Court for the District of New Jersey on March 1, 2022. (*See* ECF 1.) Defendant was successfully served on May 4, 2023. (*See* ECF 29, 30.) On June 29, 2023, Defendant received a 14-day extension of time to answer, move, or otherwise respond to the Complaint. (*See* ECF 30.) Defendant subsequently received another 90 days to respond to the Complaint because Defendant needed to familiarize itself with the case file, and in consideration of staffing shortages and competing deadlines. (*See* ECF 33, 35.) On October 16, 2023, Defendant moved to dismiss the Complaint. On November 27, 2023, District Judge Noel L. Hillman issued an Order transferring the action to this District, and denied Defendant's motion to dismiss the Complaint, without prejudice to refiling in this Court. (*See* ECF 40.) On December 7, 2023, this case was transferred to this Court. (ECF 42.)

Defendant's response to the Complaint was due on December 21, 2023. On December 22, 2023, the parties consented to conduct all proceedings before a magistrate judge. (ECF 48.) On the same day, Defendant indicated that it intends to file a motion to dismiss the Complaint on similar grounds to those raised prior to the transfer and requested 60 additional days to do so. (*See* ECF 49.) Defendant said it needed to conduct an investigation. But presumably, an investigation was already performed and documented by the United States Attorney's Office in New Jersey prior to transfer.


I acknowledge that counsel for Defendant needs time to familiarize himself with this case and for additional research but, given the work that was already done by Assistant United States Attorneys in New Jersey, an extension of 30 days to file a motion should be sufficient.

Accordingly, it is ORDERED that Defendant shall file its motion by **January 26, 2024**. Plaintiff's opposition is due on **February 26, 2024**. Defendant's reply is due on **March 9, 2024**.

The parties are directed to consult my Individual Rules of Practice, available at <https://nysd.uscourts.gov/hon-robyn-f-tarnofsky>. If Plaintiff has questions about this order, filing papers in this judicial district, or any procedural matters, she should contact the Court's Pro Se Intake Unit at (212) 805-0175, or the independent NYLAG Legal Clinic for Pro Se Litigants in the SDNY at (212) 659 -6190.

DATED: December 26, 2023  
New York, NY

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Robyn F. Tarnofsky', written over a horizontal line.

**ROBYN F. TARNOFSKY**

United States Magistrate Judge